

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC FRONTIER
FOUNDATION,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Defendant.

Civil Action No. 19-2578 (TFH)

JOINT STATUS REPORT

Pursuant to the Court's October 8, 2019, Minute Order, the parties respectfully submit this Joint Status Report.

1. Plaintiff Electronic Frontier Foundation initiated the instant action on August 27, 2019, against Defendant U.S. Department of Homeland Security under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") in connection with FOIA requests that Plaintiff submitted to Immigration and Customs Enforcement ("ICE") and Customs and Border Protection ("CBP"). These requests sought policies and/or procedures regarding the use of GPS tracking devices on vehicles crossing the border and training manuals and/or training materials on the use of GPS tracking devices on vehicles crossing the border. *See* Compl. ¶¶ 12-13, 21-22 (ECF No. 1).

2. With respect to the FOIA request to ICE, ICE previously issued a final response to Plaintiff's FOIA request on March 11, 2019, which stated that it had identified three pages of responsive material and that it was withholding those pages under FOIA Exemption 7(E). *See* Answer, Ex. D (ECF No. 7-4). Plaintiff filed an administrative appeal challenging ICE's withholding of records under Exemption 7(E) and the adequacy of ICE's search for records. Answer, Ex. E (ECF No. 7-5). On May 24, 2019, ICE responded to the administrative appeal and concluded that ICE's search was adequate and that the withholdings were appropriate. *See*

Answer, Ex. F (ECF No. 7-6). ICE is currently in the process of conducting a supplemental search for material responsive to Plaintiff's FOIA request and anticipates having the results of that search by November 15, 2019. Because this search is currently ongoing, ICE does not yet know how many additional responsive documents may be yielded by the search. ICE anticipates producing responsive, non-exempt records yielded by its supplemental search, if any, by December 20, 2019.

3. With respect to the FOIA request to CBP, CBP has conducted a search for records, but has identified no records responsive to Plaintiff's request. CBP is currently evaluating whether any additional searches may be necessary.

4. In light of the foregoing, the parties propose that they submit a further joint status report by January 6, 2020, to update the Court regarding the processing of Plaintiff's FOIA request and propose a briefing schedule if litigation will be required.

Dated: November 7, 2019

Respectfully submitted,

/s/

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